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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,655	06/26/2003	Tomas Puusepp	003300-973	4045
7590	05/18/2004		EXAMINER	NGUYEN, CHI Q
BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			ART UNIT	PAPER NUMBER
3635				

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/603,655	PUUSEPP ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chi Q Nguyen	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 June 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-21 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 26 June 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date . . . .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "10" has been used to designate both "tank" and "space". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the system for monitoring the water level and a system for temperature control of the water must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

Claims 4 11, and 12 are objected to because of the following informalities: the claimed limitation "a system for monitoring the water level and water temperature" not disclosed in the specification. Appropriate correction is required.

Claims 5, 13, and 19 are objected to because of the following informalities: the claimed limitation "the spaces contain sand" not disclosed in the specification. Appropriated correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4, 11, and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The cited limitations such as a system for monitoring the water level and a system for temperature control of the water.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities: in line 1, the cited limitations "a mobile building unit, including at least two walls" and in line 3, "defined by at least four walls" is confusing because it is not clear what refers to "a building unit" or "one room". Appropriate correction is required.

Claim 7 is objected to because of the following informalities: in line 3, the applicant is advised to change "the roof" for "a roof". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 7, 13, 14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Zeik (Pub. No. US 2002/0166293).

Zeik teaches shielded module for radiation treatment equipment. Structure 40 is a modular unit that is assembled to form a radiation therapy vault room 50, and can be delivered to a site in sections with all equipment and finishing in place. The individual sections 101-110 referred as pods or modules. The module unit 40 also has a series of interior and adjoining containers that can be filled with radiation shield material to form a barrier 70 around the treatment area 50 and a roof barrier 80 above the treatment area 50. The radiation shield material can be a flowable and/or granular material such as sand (cols. 2-3). The module comprising at least two walls 214, 216, a roof, a floor (figs. 1, 2, and 5) which is movable to an operating site and assembled there to form a building including at least one room 212 defined by at least four walls, a roof, and a floor, wherein at least two of the walls and the roof comprise a double walled structure, spaces or containers/tanks 210 in between doubled walls 214, 216 (fig. 5).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 3, 4, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeik (Pub. No. US 2002/0166293) in view of Nemezawa (US 5,929,458).

In regards to claims 2, 3, 8, 9, 10, Zeik teaches the structural elements for the shielded structure for radiation treatment equipment as stated except for the space forms a closed, liquid impermeable tank and the fillable material is water, which is contained in the tank. Nemezawa teaches radiation shield including tanks 1 connecting to each other by connector 7a. Each of the tanks is closed, liquid impermeable tank and filled with water within the hollow interior or space (col. 3, lines 29-30). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to substitute sand from Zeik with Nemezawa for the closed, liquid impermeable tank filled with water because water is cheaper and easy to fill.

With regard to claims 4, 11, 12, Zeik and Nemezawa teach the structural elements for the shielded structure for radiation treatment equipment as stated, which including a radiation shield having tanks 1 with water injecting port 3 and an exhaust port 4. Zeik and Nemezawa do not teach expressly a system for monitoring the water level, and for temperature control of the water. This would have been obvious to have the operators, who operated and monitored the water level in the tanks to ensure the water at adequate level for shielding radiation purpose and set the temperature to comfort the patients.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zeik in view of Payne (US 6,155,747).

With regards to claim 6, Zeik teaches the structural elements for the shielded radiation modular units as stated except for the unit is adapted to be assembled with other building units. Payne teaches mobile modular units including more than one modular units assembled together as shown in fig. 19. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Zeik with Payne for the modular units are assembled together. The motivation for doing would have been to provide larger building for more spaces.

Claims 17, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeik.

With regards to claims 17, 19, and 20, Zeik teaches the structural elements for the shielded radiation modular units except for the method of assembly, examiner considers this to be the obvious method of setting up the device because in constructing a modular building by connecting more than one modular units; one must obviously position inner and outer walls, formed by closed tanks, fill with fillable material such as sand.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zeik in view of Nemezawa.

With regards to claim 18, Zeik teaches the structural elements for the shielded radiation modular units except for the step of filling the spaces with water. Nemezawa teaches radiation shield including tanks 1 including water filled in the spaces. At the time of the invention, it would have been obvious to a person of ordinary skill in the art

to combine Zeik with Nemezawa for a step of filling the tank with water because the water is cheaper, and easier to fill.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zeik in view of Nemezawa and further in view of Payne.

Zeik and Nemezawa teach the structural elements for assembling the shielded structure as stated except for the step of assembling the building of at least two building units. Payne teaches mobile modular units including more than one modular unit assembled together as shown in fig. 19. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Zeik and Nemezawa with Payne for the modular units are assembled together. The motivation for doing so would have been to provide larger space for the building.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Krill (US 6,372,157) teaches radiation shielding material.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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5/11/04



Carl D. Friedman  
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